



IN THE CIRCUIT COURT OF GEORGE COUNTY, MISSISSIPPI

HENRY NIX

PLAINTIFF

VS.

CAUSE NO.: 2017-0191 (1)

WAL-MART STORES EAST, L.P.

DEFENDANT

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW, Henry Nix (hereinafter "Plaintiff"), by and through counsel of record, Lott Law Firm, and files this Complaint against Defendant, Wal-Mart Stores East, L.P. (hereinafter "Wal-Mart" and/or "Defendant"), and in support thereof, states as follows:

I. Parties

1. Plaintiff, Henry Nix, is an adult citizen of George County, Mississippi, currently residing at 144 Luther Davis Road, Lucedale, Mississippi 39452.

2. Defendant, Wal-Mart Stores East, L.P. is a foreign corporation, incorporated under the laws of Delaware. The registered agent for this corporation is CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. Wal-Mart Stores East, L.P. owns and/or operates the Wal-Mart Supercenter located in Lucedale, Mississippi.

II. Jurisdiction and Venue

3. Pursuant to Miss. Code Ann. § 9-7-81, et seq., jurisdiction is appropriate in the Circuit Court of George County, Mississippi as this action is civil in nature and within the applicable limits of alleged damages.

FILED

SEP 08 2017

Chad Welford, Circuit Clerk
By: MC D.C.

4. Pursuant to Miss. Code Ann. § 11-11-3, venue is proper in the Circuit Court of George County, Mississippi as a substantial act or omission giving rise to the claims asserted below occurred in George County, Mississippi.

III. Factual Allegations

5. Plaintiff re-alleges and incorporates by reference the allegations of paragraphs 1 through 4 as though fully set forth herein.

6. On or about July 1, 2017, Plaintiff, Henry Nix was shopping at the Wal-Mart Supercenter located in Lucedale, Mississippi. Mr. Nix went into the store for normal shopping and slipped on a wet substance near self-checkout in the store. All entrances to the area were open and operational and there were no signs or barricades erected to restrict customer traffic or warn of dangers.

7. Mr. Nix's slip and fall is a direct result of Wal-Mart failing to clear the area of any liquids or substances on the floor, severely injuring himself with a right knee and left hip injury incurring muscle damage.

8. Mr. Nix assumed that since the store was clearly open for business and employees had not put up warnings or barricades that they had cleared the area of any hazards.

9. After he fell, Mr. Nix immediately experienced severe and traumatic knee and hip pain and immediately sought treatment. He has continued to treat and is slowly recovering from his injuries but may never be able to fully recover to his pre-injury condition. This injury has severely affected his day to day living and ability to perform tasks.

10. Wal-Mart employees were aware of the hazards and/or should have been aware of the hazard and failed to correct it.

11. Mr. Nix filed a claim and asked for video of his incident. Mr. Nix tried to resolve without litigation, but Wal-Mart has denied the claim.

**IV. Count I
Negligence**

13. Defendant owed a duty to Mr. Nix to keep its premises in a reasonably safe condition and to warn of dangerous conditions which were not readily apparent. The condition was not readily apparent.

14. Wal-Mart either created or had actual and/or constructive knowledge of the dangerous condition which proximately caused Mr. Nix's injuries.

15. In not warning Mr. Nix of the dangerous condition, Wal-Mart breached its duty to the Plaintiff.

16. As a result of the breach, Mr. Nix suffered severe injuries which has or will result in medical intervention and therapy.

17. Therefore, Wal-Mart is liable for those damages proximately caused by the breach of its duty as a premises owner and/or operator.

V. Damages

18. As a direct result of Defendant's negligence, Henry Nix has incurred the following damages:

- A. Severe injuries to his right knee and left hip;
- B. Medical expenses associated with his injuries;
- C. Mental anguish and emotional distress;
- D. Pain and suffering;
- E. Permanent disability;

- F. Loss of enjoyment of life;
- G. Future medical expenses; and
- H. Inability to perform job and home duties resulting in lost wages and household services.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demands judgment against the Defendant as outlined above in the amount not less than \$150,000.00, in addition to reasonable attorney's fees, court costs, pre- and post-judgment interest, and expenses associated with commencement and prosecution of this action.

This the 12 day of September 2017.

HENRY NIX

By and through counsel of record:


Matthew S. Lott (MSB #100783)
The Lott Law Firm
3318 Pascagoula St.
P.O. Box 1708
Pascagoula, MS 39568
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PLAINTIFF

VS.

CAUSE NO.: 2017-0191 (1)

WAL-MART STORES EAST, L.P.

DEFENDANT

STATE OF MISSISSIPPI

COUNTY OF GEORGE

RULE 4 SUMMONS

TO: WAL-MART STORES EAST, L.P.
by and through their Registered Agent
CT Corporation System
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

NOTICE TO DEFENDANT

**THE COMPLAINT ATTACHED TO THIS SUMMONS
IS IMPORTANT AND YOU MUST TAKE IMMEDIATE
ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to MATTHEW S. LOTT, with the LOTT LAW FIRM, P. O. BOX 1708, PASCAGOULA, MS 39568. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment of default will be entered against you for the money or other things demanded in the complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court this the 8 day of Sept, 2017.

CHAD WELFORD, CIRCUIT CLERK
CIRCUIT COURT, GEORGE COUNTY
355 COX STREET
LUCEDALE, MS, 39452



BY: Michelle Chapman D.C.



**Service of Process
Transmittal**

09/12/2017

CT Log Number 531916598

TO: Kim Lundy Service of Process, Legal Support Supervisor
Wal-Mart Stores, Inc.
702 SW 8th St, MS#0215
Bentonville, AR 72716-6209

RE: Process Served in Mississippi

FOR: Wal-Mart Stores East, LP (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Nix Henry, Pltf. vs. Wal-Mart Stores East, L.P., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Complaint

COURT/AGENCY: George County Circuit Court, MS
Case # 201701911

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 07/01/2017 -
Wal-Mart Supercenter located in Lucedale, Mississippi

ON WHOM PROCESS WAS SERVED: C T Corporation System, Flowood, MS

DATE AND HOUR OF SERVICE: By Process Server on 09/12/2017 at 14:55

JURISDICTION SERVED : Mississippi

APPEARANCE OR ANSWER DUE: Within 30 days from the date of delivery

ATTORNEY(S) / SENDER(S): Matthew S. Lott
The Lott Law Firm
3318 Pascagoula St.
P.O. Box 1708
Pascagoula, MS 39568
228-215-2787

ACTION ITEMS: CT has retained the current log, Retain Date: 09/13/2017, Expected Purge Date:
09/18/2017

Image SOP

Email Notification, Kim Lundy Service of Process ctlawsuits@walmartlegal.com

SIGNED: C T Corporation System
ADDRESS: 645 Lakeland East Drive
Suite 101
Flowood, MS 39232
TELEPHONE: 214-932-3601